

Exhibit J

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

IN THE MATTER OF THE

MAY 2011 GRAND JURY

IMPANELED MAY 6, 2011

MISC. CR. NO.
[USAO NO. 2011R01069]

ORDER

Upon the Application of William J. Hochul, Jr., United States Attorney for the Western District of New York, Joseph M. Tripi, Assistant United States Attorney, of counsel, for an Order requesting the limited lifting of the secrecy of certain Grand Jury materials relative to a Grand Jury investigation of United States v. Misael Montalvo, et al. for the purpose of forwarding certain items obtained pursuant to that Grand Jury investigation to the Erie County District Attorney and to Josue Ortiz and his attorney, if applicable, preliminary to and in connection with a judicial proceeding, and in order to assist in the enforcement of New York State Penal Law, and due consideration having been had, now, therefore, it is hereby:

ORDERED that the secrecy of the Grand Jury materials be and hereby is lifted for the limited purpose of allowing the United States of America to provide Grand Jury documents and transcripts in the proceeding of United States v. Misael Montalvo, et al. to

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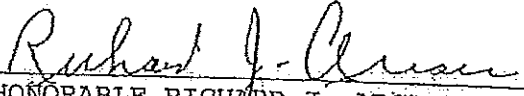
the Erie County District Attorney and to the employees and agents of the Erie County District Attorney that the Erie County District Attorney designates as necessary preliminary to or in connection with a judicial proceeding directly concerning Josue Ortiz to allow for the enforcement of New York State Penal Law. The Erie County District Attorney may, if he deems it necessary as preliminary to or in connection with a judicial proceeding to allow for the enforcement of New York State Penal Law, further disclose the Grand Jury documents and transcripts to Josue Ortiz and to Josue Ortiz's attorney. It is further:

ORDERED that all Grand Jury documents and transcripts disclosed to the Erie County District Attorney pursuant to this Order shall remain secret and confidential pursuant to Federal Rule of Criminal Procedure 6. The Erie County District Attorney shall provide to the Grand Jury a memorandum listing all persons to whom the Grand Jury documents and transcripts are disclosed pursuant to this Order with the names and signatures of each such person acknowledging that each such person understands that the Grand Jury documents and transcripts disclosed pursuant to this Order remain secret and confidential pursuant to Federal Rule of Criminal Procedure 6, acknowledging the criminal penalties for disclosure without authorization of this Court, and acknowledging that each such person has read and understands this Order. Should Josue Ortiz need an interpreter to understand this Order, the interpreter

shall also be named and shall sign the memorandum for the Grand Jury. It is finally:

ORDERED that the Erie County District Attorney may make such other use of, and may disclose, the Grand Jury documents and transcripts that are authorized to be disclosed pursuant to this Order as he deems it necessary in connection with a judicial proceeding to allow for the enforcement of New York State Penal Law relating directly to Josue Ortiz without further Order of this Court.

DATED: Buffalo, New York, November 9, 2012.


HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

ORIGINAL
RECEIVED AND FILED
UNITED STATES DISTRICT COURT CLERK
WESTERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MAR 7 - 2013

BY: 

IN THE MATTER OF THE

MAY 2011 GRAND JURY

IMPANELED MAY 6, 2011

MISC. CR. NO. 13-MR-17
[USAO NO. 2011R01069]

ORDER

Upon the Application of William J. Hochul, Jr., United States Attorney for the Western District of New York, Joseph M. Tripi, Assistant United States Attorney, of counsel, for an order requesting the lifting of the secrecy of the grand jury proceedings relative to its investigation of, United States v. Misael Montalvo, et al., for the purpose of forwarding certain items obtained pursuant to the grand jury investigation to the Erie County District Attorney's Office and to Josue Ortiz and his attorney, John Nucherenno, Esq., preliminary to and in connection with a judicial proceeding, and in order to assist in the enforcement of New York State Penal Law, and New York State Criminal Procedure Law, and due consideration having been had, now, therefore, it is hereby:

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ORDERED that the secrecy of the grand jury proceedings are hereby lifted for the purpose of allowing the United States of America to forward certain grand jury documents and transcripts to the employees and agents of the Erie County District Attorney's Office, and to John Nuchereneno, Esq., counsel for Josue Ortiz, preliminary to or in connection with a judicial proceeding and in order to allow for the enforcement of New York State Penal Law, and New York State Criminal Procedure Law; and it is further:

ORDERED that John Nuchereneno, Esq., defense counsel for Josue Ortiz, is permitted to utilize any grand jury documents and transcripts which have previously been provided to him under authority of this Court's November 9, 2012, Order, in order to initiate judicial proceedings to vacate the conviction of Josue Ortiz in accordance with New York State Penal Law, and New York State Criminal Procedure Law.

DATED: Buffalo, New York, *March* ~~February~~ *7*, 2013.

RICHARD J. ARCARA

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE